&c., &c., &c.

To the American Public. It is very well known that there is a company styled "The Nicaragua Accessory Transit Com pany," deriving its privileges and powers from the Republic of Nicaragua, which has an office in this city, and is represented here by a Board of Directors, This company originated in what is known as the Nicaragua Canal Grant, (from which, however, it is now distinct.) and holds the exclusive privilege of navigating the waters of Nicaragua by steam, which gives it the practical monopoly of the transit by the Isthmus. But this company is not, as has generally been supposed, the owner of the lines of steamers running in connection with it, and forming what is called the Nicaragua route to Califor-These steamers belong chiefly to Mr. C. Vanderbilt, who was once largely, but now slightly, if at all, interested in the Transit Company. The expenditures of this company have consisted in placing for small stern-wheeled steamers on the river San Juan and Lake Nicaragua, and in opening a kind of road, of little value, from Lake Nicaragua to the Pacific. The returns of the company have been the fares of passengers from one sea to the other, and sale of about 40,000 shares of stock, at a probably average rate of 25 per cent on par. This stock is founded, not upon actual and home file in vestments or expenditures, but solely upon the privileges derived by charter from Nicaragua. The principal condition under which the company

obtained its charter from Nicaragua is the following, which forms part of Article VI .:-

And the State shall also receive ten per cent of the met profits, without any deduction of interest of any route which the company may establish between the two oceans, whether it be by railroad or carriage road, and by any other means of communication, during the twelve years berein granted, &c.

By other articles of the primitive contract, made applicable under the second, the company binds itself to present an annual statement of its affairs to the State, and the State reserves the privilege to appoint commissioners to examine the books and accounts of the company. The contract also prowides that, in cases of difficulty or dispute between the State and company, the matters in issue shall be referred to arbitrators, two to be named by the State. two by the company, and a fifth to be chosen by the arbitrators themselves, whose decision should be

Accordingly, in August last, the company, having been in exercise of its powers for upwards of a year, and having paid no profits to the State, or rendered any account of its affairs, although it had, meantime, declared a pretended dividend of two per cent. the government of Nicaragua named two commisshe government of Nicersqua named two commis-sioners to proceed to New York, to inquire into the cause of this derelection, and investigate the affairs of the company. These commissioners were Don Jees de Marcoleta, Minister of Nicaragua in the United States, and an English gentleman, Mr. Thomas Manning, for many years a resident in Nicaragua. Mr. Marcoleta introduced Mr. Manning to the officers of the commany and the commission to the officers of the company, and the commissioners proceeded to a discharge of their duties.

Their first step was to ask for an inspection of the

bocks and accounts of the company, which were exhibited to them. In these books was entered the dividend of two dollars per share; and as dividends implied profits, Nicaragua, on the face of the transaction, was entitled to upwards of eight thousand dollars. There being reason to suspect that this dollars There being reason to suspect that this declaration of a dividend was designed to enhance the value of stock in the market, and advised by men of business knowledge and known integrity, in fit or loss, the commissioners demanded a balance sheet, or statement of accounts, in order to report to their government, in conformity with their instruc-tions. For a long time this strictly just, legal, and pro-

For a long time this strictly just, legal, and proper demand, was evaded by an irrelevant discussion on the part of the company, whether the commissioners expected a compliance with their demands as a right, or only as a courtesy. The commissioners responded by repeating their demand, on the grounds both of right and courtey, and after a long delay, a document, purporting to be a statement of accounts, was handed to them. Perhaps the annals of finance furnish no parallel to this most extraordinary document, which, if trus, showed only that the company was not only deeply involved, but had been, notwithstanding its exorbitant charges, a losing concern.

But a large part of the charges, as regarded Nissersen, were both incliniants. a large part of the charges, as regarded Ni-

but a large part of the duarges, as regarded Nessengua, were both inadmissable and absurd. For imstance, the expenses of flesses. White and Vanderbilt's unfortunate expedition to England, for the purpose of inducing English espitalists to embark in an entirely distinct enterprise, (that of the canal.) was charged at the modest sum of \$9,000: This was one only of a series of charges, having no more rela-tion to the Transit Company, or its expenditure, tion to the Transit Company, or its expenditure, than to the Eric Rallroad and its accounts. Of course these charges, and many others, were inadmissible on their tace, and the commissioners, now

course these charges, and many others, were inadmissible on their tace, and the commissioners, now convinced of the bad faith of the company, and saxcus to procees with every possible degree of caution in the premises, determined to be guided by the advice of the best coursel which tais metropolis could afford. They therefore entrusted their legal rights to a gentleman whose name will directly appear, and whose authority and judgment in matters of law will not be called in question.

Amongst the charges alluded to, and which the company pretended should be publifrom the receipts of the transit, were charges for boats, cost of the so-called road, the (pretended) surveys for a canal, the expenses of sgents in procuring the various charters from Nicaragus, &c., &c., all entered at fabulously extravagant rates. The balance sheet was communicated to coursel, and to loading merchants of this city, who all concurred in the view of the commissioners as to the impropristy of the charges generally. Before the presentation of this sheet, and suspecting charges of this kind, the Minister of Nicaragua advised with an embant merchant on the subject, whose written reply is subjoined:—

LETTER OF MB. EDWARDS.

New Your. Sept. 21, 1802

LETTER OF MR. EDWARDS.

LEFFRE OF MB. EDWARDS.

New York, Sept. 21, 1852

To His Excelled Mr. De Marcoleta.

Eir.—The eight article in the charter of the Capit Company is very clear, that the net profix are to be divided—one tenth to the State and rine-tenths to the company.

The capital of the company obtaining the charter pays for steambests, surveys, makes the read, whereas and an infinity of articles for putting everything in working order.

Expenses are repairs, fuel salaries, wages, and the cost of keeping in order the boats, etc. A reasonable summight be put down for wear and deterioration of boats. After deducing the expenses from gains, the balance is profits. The per cent belong to the State of Nicaragua, and the balance to stockholders of the company. They may use it in adding the capital, but the State cannot be one-tenth interested as a stockholder, except by actual subscription. The company have no right to divert the profits or earnings to anything but expenses. Building a read or a steamboat is the capital of the cone re. Respectfully yours.

AMORY EDWARDS. Meantime, various evasive and impertisently per-

sonal letters having been received by the representatives of Nicaragua from the company, in reply to sives of Nicarsgua from the company, in reply to equitable claims on the part of his government, Mr. Marcoleta laid the whole correspondence before his counsel, Mr. Lord, whose reply is subjoined. These letters of the company were full of diegraceful imputations and slanders, and, amongst other things, refused, upon utterly false and unsupported pretences, since publicly denounced, to asknowledge the commission of Mr. Marcoleta—an evasion which could have no other origin or purpose than to conceal from that gentleman the true state of the affairs of the company.

LETTER OF MR. LORD.

New York, Oct. 9, 1842.

Sir—I have been apprized by you of the conduct of the irretors of the Accessory Transic Company to wards your cif. as a commissioner of Nicaragua, for the purpose of directors of the Accessory Transic Company to water sport self, as a commissioner of Nicaragua, for the purpose of having the necessary intercourse with them under thair contracts with that State. I am also informed of the ac-tual incorrectness, in point of trath of their imputations; and I cheerfully express to you my advice on your posi-tion.

The growness of the language and the unfitness of their The groceness of the language and the unfitness of their imputations, personally on yourself are beceash your notice and do not admit of further consideration.

It is only your government and its rights which the districters of the company had a right to consider. Your government having chosen its cwn commissioners for important duties in respect to the company, the attempt of the latter to destruct the execution of the duties of the commission, by both the commission has want of good faith and justice to your government and indicates a purpose not to allow of an unrestricted inspection of the affairs, to which your government is entitled. It subjects all the conduct of the company to the gravest suspicion.

But it is your government and its interest, and not

But it is your government and its interest, and not

appreval.

I advise you not to report to any of the courts of justice at present, as such a course is not called for by you

own self respect, and as it would be possibly compromit-

own self respect, and he it would be the self respectively in your government.

They have it in their own power to do themselves justifier; and a transmission of the communications which have taken place between yourself and the company, will enable your government to do justice to yourself. whose conduct has been adely prompted by your views of its true interest. I am, sir, your obedient servant, DANIEL LORD. To His Excellency Mr. MARCOLETA. Meantime, in conformity with the advice of Mr.

Lord, and for other reasons not necessary to enumerate here, Mr. Marcoleta authorised his associate, Mr Manning, to act on behalf of the entire commis-sion; all his doings, however, to be subject to the revision of Mr. Marcoleta, and to depend for their

sion; all his doings, however, to be subject to the revision of Mr. Marcoleta, and to depend for their validity upon his approval.

Censidering only the undisputed charges of the company, and those agreed by the commissioners to be valid, there appeared, according to Mr. Manning's approbension, a clear sum of nearly \$30,000 due to Niceragua. For twenty thousand doilars of this, Mr. Manning, on the 19th of Osteber, drew a draft at ten days sight on the company, which draft was protested on account of non acceptance by the company on the day following.

The affairs between the State and company therefore remained unseatled, on account of the differences touching the propriety and validity of many charges of the company. This condition of things, in the opinion of counsel, and of Mr. Marcoleta himself, precisely constituted a case in which the article of the contract providing for the appointment of arbitrators would apply. The commission of inquiry had exhausted its functions, and it now only remained for the commission of arbitration to act.

Mr. Marcoleta, therefore, in accordance with his powers as Minister of Nicaragua, in consonance with the direct instructions of his government, and of special powers conferred by the President of Nicaragua, below given, proceeded to name te commissioners.

cial powers conferred by the President of Nicaragua, below given, proceeded to name the commissioners of arbitration on the part of Nicaragua. The decree of the President of Nicaragua, conferring those powers, had already been communicated to the company by the Secretary of Foreign Affairs of Nicaragua, and is as follows:

House of the Government, Managua, March 27, 1852

To the President of the American Company of Transit in Nicaragua.

The President of the State of Nicaragua bas instructed

The President of the State of Nicaragua has instructed me to communicate to you the following:—

The Director of the State of Nicaragua, considering that it is convenient and useful to authorize some person to arrange various points with the company, as established by the contract of Sept. 26, 1849, with the additions of april 11, 1850, and by the contract of Aug. 20, 1851, and having complete confidence in the loyalty and capacity of Don Jose de Marcoleta, our Minister Plenipotentiary in the United States—

DECREES,

Art. 1.—His Excellency Don Jose de Marcoletais authorized to arrange with the Transit and Canal Companies whatever circumstance which may occur and to amplify or modify raid contracts in accordance with the instructions communicated to him.

Art. 2.—The Minister of Foreign Affairs is charged with the execution of the present decree.

Dated in the city of Managua, March 26, 1852.

J. LAUREANO PINEDA Director, &c. By order of the Director of State, I have the honor to enclose to you, for your information, this decree, by which his Excellency Don Jose de Marcoleta is authorized to arrange the various matters in which Nicaragua, is so deeply interested. Hoping you will inform the individuals composing the company of the above, I am. &c. &c.

ROCHA, Secretary of Foreign Affairs.

The commissioners name by Mr. Marcoleta were Messrs. Pelatiah Perit, of the house of Goodhuo &

Messrs. Pelatiah Perit, of the house of Goodhue & Co.. and Marshall S. Bidwell, Esq , advocate, both gentlemen of the high st position in the community. The letter addressed to the company, conveying these nominations, is translated here.—

LEGATION OF THE REPUBLIC OF NICARAGUA,

NEW YORK, Oct. 28, 1852

TO THE PERSIDENT, ETC., OF THE NICARAGUA ACCESSORY
TRANSIT COMPANY.

New York, Oct. 20, 1832. §
TO THE PERSIDENT, ETC., OF THE NICARACUA ACCESSORY
TRANSIT COMPANY.

SIT—In view and consideration of the differences
which have arisen between the Commissioner of Nicaragus. Mr. Thomas Manning, and Messrs. Snow and
white, commissioners of the Accessory Transit Company,
relative to the liquication of the ten per cent of the nat
profits of the transit route, and with the object of arriving at a definite arrangement, whereby the interests of
the State shall not suffer greater prejudice than results
from actual deisys and difficulties;
The undersigned Envoy Exitsordicary. &c., in virtue
of his faculties and powers, and in view of article 33 of
the primitive contract, has usued as arbitrators, on the
part of the government of Nicaragua Messrs. Pelatiah
Perit, merchant, and Marshall S. Bidweil, advocate.
The undersigned invites the company to proceed to
nominate arbitraters upon its part, in order that the four
then named may choose a fifth, and proceed in common
accord to remove the difficulties which have up to this
time afters, and to effect the a rangement of these affairs.
The undersigned begs to present, &c.
(Signed)

JOSE DE MARCOLETA.

This letter, which is straight-forward, businesslike and courteous, was replied to by Mr. J. L.

like and courteous, was replied to by Mr. J. L. White, subscribing himself "Counsel of the Transit Company," in a letter the tone of which is as characteristic as it is discreditable, and should cause every respectable member of the company to regret that it was ever written. It is difficult to conceive a more unprovoked and thoroughly disreputable document.

LETTER OF MR WHITE.

New York, Oct 27, 1852.

Senor Don Jose de Marcoleta, Misister from Nica-

Excer Don Jone or Marcolera, Misister From Nick-natura :—
Sir: Your letter of the 20th inst. is received, and has been referred to me, as the council of the company, for consideration and reply.

For the purpose of "arriving at a definitive settlement of the difficulties and doubts" which have been "origi-nated between Mr. Manning and the Company," with reference to the Hquidation of the 10 per cent net pro-ceeds of the road, (transit read is supposed to be meant,) "which accurate to the government of Nicaragus," you name to us two commissioners, by virtue of the pro-vision of article 33 of the original charter and by virtue of your office and powers
In reply I have to say: 1st, That for the present, conceding to Nicaregua the powers and attributes of a save-

ceding to Nicaragua the powers and attributes of a sortering state, and the right to be represented at the government of the United States, her representative, who ever he may be, has no authority, by virtue of his office, and the general powers that beings to it, to interfere with the chartered rights of a company which exists under and by authority of his fiate, or for the settlement of any disputes or controversy between his government and a comporate body created by its law.

The company which it represent is a domestic corporation, deriving its visibly from and known only to the laws of Nicaragua. The fact of the company having an office in New York for the transaction of business does not work a transformation of its character into that of a corporation foreign to Nicaragua and its laws. For this reason airne it once not fall within the duties or the powers of a minister of Nicaragua to a foreign government to interfere in any wise in the settlement of any controversy purely domestic between his government and a domestic corporation.

2d. Were the company to calculate for settlement those difficulties and deutors, as provided for in article 33, to commissioners raused by Mr. Marcelsta by virtue of the office and powers hand the company, and the result of the arthretion should be unfavorable to Nicaragua, the might well repudiate the award on the ground of want of authority in Mr. Marcelsta between the company, and the result of the arthretion should be unfavorable to Nicaragua, the missioners for her.

2d. Mr. Manning assured a committee of the company.

she might well repudiate the neard on the ground of matherity in Mr. Marchea to designate commissioners for her.

2d Mr. Mannier assured a committee of the company, (Mears, show that White) that he had escotife actbodily as commissioner on the part of Nicaragon to designate commissioners under article 35, in case of any dispute or controvery. This specific authority he has not executed although the company has been solicitous that he should dare. We do not understand from Mr. Marcoleta that his authority is specific, but that he claims to derive it er nicrost official and from the general powers of his office—a claim which cannot be admitted for the effice or the authority and gower which belong to it.

The company, desirous of avoiding all misundarstanting and disspreement with the State of Nicaragon, now deciare to Mir de Marcoleta will deposit with them any evidence of his surfacely as will deposit with them any evidence of his surfacely to designate commissioners chosen by thomselves. This evidence they require as a measure of future protection against the contingency of a repudiation of the award. They would not, however, require it if they could pursuade themselves that Mr. Marcoleta could even by a strong implication derive the authority from his general powers to designate commissioners on the part of his State.

If as surgested by you, Nicaragon actually suffers from the present difficulty and delay, we beg to accurate the fields of the conduct of some of her officials.

In conclusion, the company requests Mr. Marcoleta to

officials
In conclusion, the company requests Mr Marcoleta to
fornish them at once with the evidence of his authority

in the premises
I have the honor to be, respectfully, &c.
J. L. WHITE, Counsel of the N. T. C. J. L. WHITE, Counsel of the N. T. C.
Mr. White, it will be seen, magnanimously concedes "the existence of Nicaragua as a sovereign
State for the present." Can it be that he proposes
to subvert that republic, in conjunction with the
Merquito king, and set up Quaggo for king, and
"the learned counsel" for prime minister? Badinage saide, the only point taken in this letter, that
Mr. Marcolata had no authority to name arbitra-Mr. Marcoleta had no authority to name arbitra-tors, is worse than a quibble—it is simply a baid pretence, in face of the explicit powers conferred on Mr. M. by the government of Nicsragua. To this epistle, extra official, and emanating from a person with whom he was not called upon to deal, kir. Marcoleta made no reply. To avoid all mis-conception, however, and to leave no portion of his days profilled by wreit to the proper officers of

duty unfufilled, he wrote to the proper officers of the company as follows:—

New York, Oct. 30, 1852

To the Presented of the Nickradus Accessory Tear-

To my Prisonest of the Nicanadia Accessory Teansing Contents:— In a letter of the 27th inst., addressed to me by the "counsel" of the company amongst various strange and unconsected matter slick are treated in it, and to which I reserve to myself the proper answer, this legation is asked the production of a document containing the authorization given to the itinister of Nicaragus to same subtrators, in accordance with article 23, of the primitive contract. In reply to this request, i bug the fresident of the company to read and acquaint himself with article 1 of the decree issued by its supreme executive power of Nicaragus, of the date of the 20th of Morch last, which original decree was sent to the company by the undersigned, at the appropriate time.

JOSE DE MARCOLETA, Minister, &c.
Two days inter, Mr. M., received the subjested

Two days inter, Mr. M. received the subjeined

letter, which in a civilized community does not require to be characterized as it deserves:-SECOND LETTER OF MR. WHITE NEW YORK, NOV. 1, 1852.

SECOND LETTER OF MR. WHITE.

SENOR DON JOER DE MARGUETE.

BU-Your letter of the 36th was doly received, and referred to the undersigned, as counsel of the Accessory Transit Company, for reply.

Fasting over the affected scorn with which you were pleased to treat the "strange and unconnected subjects" embraced in the letter of the undersigned of the 27th uit, with the mere remark that in any other person than yourself such conduct would be deemed imperiment, the undersigned proceeds to notice that part of your letter only with which the company has any concern.

In your first letter you announce to the company that you have, "by virtue of your office and powers." appointed commissioners, under article 33, for the State of Nicarugua.

that you have, "by virtue of your office and powers appointed commissioners, under article 33, for the State of Nicarigua.

Your right, by virtue of your office, and the powers belonging to it, to make such appointment, was deuted by the company, on the grounds stated by the undersigned in his letter of the 27th uit, and you were asked for the evidence of any specific authority which you might have from your government to act in the matter of appointing commissioners in her behalf.

For that specific authority, such as it is, you refer the company, in your letter of the 38th, to the decree of the Supreme Director of the 28th of March last.

Mr Marcoleta, in resting his claim of authority to appoint commissioners on this decree, is quite as much at fault as when he rested it on his "office and powers."

The decree referred to sythorizes Mr. Marcoleta "to settle with the Canal and Transit companies whatever incident may occur."

settle with the Canal and Transit companies whatever incident may eccur."

An authority given to Mr. Marcoleta to settle with the company is not an authority to litigate or arbitrate, nor an authority to appoint other persons to settle.

If there is any incident requiring settlement between the company and Mr. Marcoleta, the company is quite ready to settle it with him in is capacity of minister, acting under the specific authority of the decree. But the company cannet recognize any substitute for Mr. Marcoleta, since the decree gives to him no power to delegate his authority.

It is quite too apparent for dispute, that the Supreme Director never designed by the decree in question to appoint Mr. Marcoleta a commissioner under article 33, ince two commissioners are required in case of dispute or controversy, and there, then, was no dispute or controversy.

troversy.

As, therefore, Mr Marcoleta is not a commissioner, and

As, therefore, Mr. Marcoleta is not a commissioner, and as the decree gives him no power to appoint commissioners, the company declines all action under article 33 until such time as the State of Nicaragua shall designate the commissioners and formally notify the company of the fact.

To correspond forther with Mr. Marcoleta on this point would be but a waste of time. It is obvious that he has entirely mirapprehended his powers, and that his appointment as commissioner has been made under an authority neured instead of an authority given, and is therefore wholly void. Yours, J. I. WHITE.

Counsel of the A. T. Co.

Having thus exhausted every reasonable and legitimate effort to induce the company to act in good

Having thus exhausted every reasonable and legitimate effort to induce the company to act in good faith towards his government, and having been met with evasion and insult, Mr. Marcoleta submitted the entire correspondence to Mr. Daniel Lord, the counsel employed for his government, and received from him the following clear and explicit reply, from which it fully appears that under every principal of law, in the transactions which we have recounted, the company has forfeited all its rights, and is now without a legal existence—a thing condemned by its own acts, and dependent on the mercy of Nicaragua, under sentence of execution, and without a hope of respite or pardon.

SECOND LETTER OF MR. LORD.

Sir—I have read the letters addressed to you, on the part of the Accessory Transit Company of Nicaragua, under the grants of that Siste for the construction of a canal between the Atlantic and Pacific Oceans. Not noticing the impropriety of the mode of address by the counsel of the company of the Minister of Nicaragua, there are two tepics worthy of notice.

1st—That the company to the Minister of Nicaragua, there are two tepics worthy of notice.

1st—That the company to the law and government of Nicaragua, and a disclaiming of any peculiar rights as estimate of that Siste, only casually or constructively present in this country by keeping an office in this city. This seems to me to very express admission of the subjugation of that company to the law and government of Nicaragua and a disclaiming of any peculiar rights as estimate as the government of Nicaragua might alopt in a similar case towards any of its own subjects.

2d—In considering what measures should be adopted by that State for doing listelf justice, as well as defending and protecting its signity, it is proper to ask whether the refusal to name arritators is not a mere pretuces adopted to avoid fridilling the obligations of the company to their State. It cannot well be doubted that the nemination of arbitrators by Senor Marcoleta and Minister would bind

To Don Jose DE MARCOLETA, Minister of Nic O DOD JONE DE MARCOLETA, Minister of Nicaragua.

The measures which Mr. Lord indicates are precisely those which the government of Nicaragua have had in contemplation for some time past, and towards which the initiatory steps have been taken. Niesragua has been reluctantly forced to take this decided ground, and having exhausted every conof the world for support in sovere and decisive moa-sures, which she will be compelled to adopt, for enforcing her rights and vindicating her honor. Her relations with the company have terminated with the following protest of her representative in this

the following protest of her representative in this coultry:—

PROTEST.

LEGATION OF THE REPUBLIC OF NICARAGUA.

NEW YORK, NOV 5, 1852

TO THE DIRECTORS OF THE NICARAGUA CANAL AND ACCESSIVE TRANSIT COMPANIES:—
The undersigned, Minister Pieurotentisty and Envoy Extraordinary of the Republic of Mearagua has received from the counsel of the above Traceit Company, two letters in reply to those communicated by this legation to the directors above amount of conserving the momination of arbitrators to arrange the psanding difficulties between the Republic of Nicaragua and the said company, (relating to the liquidation of the per contage due to the republic) in accordance with article 32 of the primitive contract. The said latters can only be regarded as the ravings of a manise and the effections of a man of an consequence, and therefore ment he reply; and for this reason the underly and correspond to the primitive contract. In said that relates to a compliance with the obligations which they have contracted with the government of Nicaragua, which government they have not treated considerately, but with ingratifude.

2d—A gainst the delays and difficulties maliciously interpored by the Transit Company and its commissioners. Reserts Scow and While, to the liquidation and payment of the sums due to Nicaragua from the Transit route, and

3d—Against the form and language of their com-

and - Against the form and language of their com-

Sd-Against the form and language of their communications; against their gratuitous insults lavished on the government of Niearagua; against their investives, fairs suppositions and perificious calumnies, against the representative of Niearagua, with the object of preventing han from exercising an occolar supervision and diligent vigiliance over the aliairs of said company, in conformity with his duties, and from discharging his obligations to his country and government.

The government of Niearagua will determine, in its prudence, if the time has now arrived to take severe measures to put a limit and end to the want of respect, evasions abuses and seandalous excesses, of which these companies and their agents have been and are so repeatedly and frequently guilty.

The undersigned also deems it proper and requisite to his duty and dignuty to inform the directors of the said Transit Company, that hereafter he can receive no communications signed by its "counsel," Mr. J. L. Walte, who more than once has compromised the good intelligence, hermony and interests of the State and company, lie can also add, in the name of his government, that it will adopt the same course towards this person, who is a mere adviser and subsistern of the company, without authority or power to enter into direct and official communication with the government of Niearagua or its representative in the United States. The company has its legitimate officers, upon whom is devolved the exercise of such functions. JOSE DE MARCOLETA.

Minister, &c., &c., of Niearagua.

It is proper to say, before concluding this exposition, that the instances above recounted are not the only violations of its charter, of which the Transit Company has been guilty. Within the ter-ritories of Aicaragua these violations are alleged to have been numerous and flagrant, and have called, and will call, for the effective interposition of the

government. It appears :- Transit Company is ist-That the Nicaragua Transit Company is ist—Into the Misargua Fanat Company is a corporation deriving its sole existence from Nicaragua—is wholly amenable to its laws, and without legal rights or powers in the United States.

2d—That the validity of its charter depends upon a strict compliance with its conditious, which have been repeatedly violated in all their essential matter.

-The company has vitiated its charter, and sid—The company has vitilated its charter, and wholly nullified it, in not having, in good faith, opened an adequate route of transit in the country, as contemplated by the very fact of its existence; because the placing of some small boats on the river and lake, and the cutting a path from the lake to the Pacific cannot be considered as an investment or expenditure justifying a monopoly of transit, nor one coming within the intent of the charter.

charter.
4th-It has directly violated its charter by refusing the payment of its obligations to Nicaragua, in accordance with article IV; by fraudulent practices and evasions; by reinsing to recognize the authority of the fully empowered agents and representations.

tatives of Nicaragua, thus setting its sovereignty at defiance; by treating that sovereignty with contempt; by refusing to name arbitraters to deside upon the disputed accounts between the State and commany, in accordance with article XXXIII. of its contract; by unwarranted attempts at occupation of lands in Nicaragua; by repeated violations of the revenue laws of the State; by neglect to render an unal returns to the government of Nicaragus; and by a general non-compliance with its obligations. With these facts before them, the public and judge if the government of Nicaragua can permit its rights, interests, and dignity to be fur her compromised. Public opinion in the United States cannot be misled on the subject. And here for the present the matter shall rest. tatives of Nicaragua, thus setting its sovereignty at

New York, Nov. 16, 1852.

ADDITIONAL FROM CALIFORNIA.

The steamship United States, Captain Berry arrived yesterday from Aspinwall, bringing the passengers and treasure which came down from San rancisco in the steamship Cortes. The intelligence

Hamilton Ranche, on the Consumnes, about four niles above Daylor's, was consumed by fire on Friday morning last.

The authorities of Sacramento propose to erect a

new city ball and prison, the builting to be sixty feet front by one hundred deep. The prison to be in the basement story, and the council chambers, recorder's, clerk's, treasurer's, and other offices, on the second floor. The estimated cost of the work is \$150,000.

\$150,000.

The Perry Wing Dam Company, at Park's Bar, in two days took out 655 oz. amalgam, and 90 oz. blowed gold, and on the 14th instant, the sams company took out near 40 lbs. of gold.

Fifteen hundred head of abeep, four hundred head of cattle, and twenty wagons, all in one train, have recently entered the State, by the Volcano route, and are herded at the Patterson ranche, fifteen miles from Stockton.

The Chapman Family are performing at Campo Seco, to the infinite amusement of the miners in those diggings. The Chinese Jugglers are performing at Sacra

PUBLIC SENTIMENT IN THE MINES —The following presmble and resolution was passed unanimously, at a mass meeting recently held at Placerville:—Whereas, Thomas Corwin, Secretary of the Treasury of the United States, has refused to execute a positive law of Congres seducing the tax upon miners for assaying their gold dust, from 2½ to 1 per cent; and whereas it has been charged by the Hon. J. W. McCorkle, imember of Congress from this State, in his place in the House of Representatives, in two different occasions, that the persons it terested in the assay office in San Francisco, and their agents, were exerting themselves to defeat the passage of the California Mint bill, which charge no man has dared to deny; and whereas the administration at Washington, influenced, as we believe, by corrupt motives, have exerted their influence against a California mint at San Francisco, in order to sustain and uphold the assaying menopoly of this State:

Be it therefore resolved, That Thomas Corwin, Socretary of the United States, in refusing to execute the law of Congress requeling the tax upon miners, for assaying their gold, from 2½ to 1 per cent, subjects himself to and deserves impeachment.

The Sonora Expedition—A Gloomy Picture.

[From the Aita California. Oct. 18.]

We publish below a letter to the editor of the San Francisco Echo du Pacifique, which appeared in that journal on the 17th October. giving, we believe, the first detailed account of the success attendant upon the expeditions to Sonora, undertaken by companies of Frenchmen from San Francisco, a few months since. The writer depicts a most lamentable state of affairs. The letter was received by the brig Convoy, which arrived a few days ago, having on board forty five of the returned adventurers, all of whom endorse the correctness of Mr. Matterre's statements:

— GUAYMAS, Aug. 25, 1852.

You have, doubtless, heard of the result of

GUAYMAS, Aug. 25, 1852.

You have, doubtless, heard of the result of the Sonora expedition, made by different companies of Frenchmen. I hasten to give you the details thereof, in order to inform and admontsh our countrymen, through the columns of your journal, of what is transpiring here. They will in future be on their guard against any reports circulated by speculators. I forbear to mention the names of there who have compromised the existence and the future welfare of more than five hundred Franchmen. One of these, who wrote to San Franciseg giving incorrect information, paid the penalty of the imprudence he had committed in coming to explore the ungrateful soil of Sonora, two days since. He died at Guayman of the dysentery. But what every one ought to know are the facts which have transpired under my eyes for five months, and the details of which I will give you as exactly as possible.

exactly as possible.

The exactly is possible.

The exactly is possible. The expedition directed by Mr. Pindray, to which the Governor of the State of Sonora had furnished provisions for six menths, animals for working the land, and a sum of \$1,500 in silver, proceeded to instal itsell at Coscopera, there to found an agricultural colony, watch the incursions of the Apaches, repulse them when necessary, and to employ themselves in the seeking and working of the mines. Governed in a deplorable manner, this colony had no chance of success; and the acrimony which existed between its chief and its members gave rise to disorders which brought about a separation. Efficient orders which brought about a separation. Fifteen or twenty of the members withdrew from the company, for the purpose of seeking the mines. The exploration made by this company led to the discovery of the silver mine called the St. Theresa, forerrely worked, but abandoned by the natives through fear of the Apaches, which is the cry for "tave who can" in this miserable country. The discovery heirs made it we necessary to make the covery being made, it was necessary to make the preliminary declaration before the judge. The French company fulfilled this formality, and the judge adjourned the proceedings for ten days, to settle the right of ownership. But during this time a denouncement was made in the name of wealthy residents of the country, and when, at the expiration of the delay of ten days, our countrymen pretion of the delay of ten days, our countrymen pre-sented themselves before the judge, it was announced to them that the designation of the proprietors of the country had the precedence of theirs, and that they had no right of ownership in the mine of St. Theresa. They were then compelled to retire; for in the face of an injustice so glaring, there was noth-ing to be done but they withdrawn record. mine is a very rich one, and they had formed the means recessary to work it. The greater part of the members of this company returned to Guaymas, and hence to California. A short time afterwards we heard that, in consequence of the disastrous turn which the affairs of the Coscopera colony were taking, Mr. Pindray has blown his brains out, and that there remained but a small portion of the

clony.

Another company arrived at Gunymas by the ves-Another company arrived at Gunymas by the vessels Senera and Hermosillo—was formed to explore the interior—com cosed of healthy and robust men, realous to labor, confident in the future, provided with arms, munitions, herses and mules, having \$14,000 in cash; it took, about the 20th of April last, the route of the capital of the State of Sonors, whither it went to claim from the Governor the immunities promised to French emigrants by the Mexican Vice Consul at San Francisco Arrived at Ures, this company received provisions, beef, and \$500 in silver, and thence proceeded towards Santa Cruz, the point assigned it. From Santa Cruz the company proceeded in different directions, in search of gold or cilver minos in portions of Sonora where the mines were represented to exist. Laboring conscientiously, this company examined overy place where an experienced miner might find an indication of gold. No canon was spared. They found the where an experienced miner might find an indication of gold. No canon was spared. They found the color of gold everywhere, but in such small quantity that a miner could not gather more than a dollar's worth per day, admitting that there was always water enough to wash the dirt, which is a rare thing in this country, where it scarcely ever rains, and the heat is insupportable. At the most, say those who have explored it, if gold existed in the greatest abundance, it would be almost impossible to extract it, for the country furnishes neither water nor provisions.

provisions.

Every day I see our unfortunate countrymen re Every day I see our unfortunate countrymen returning either from Santa Cruz or Coscopera, in a state of misery and prostration difficult to describe, without shees, without shees, barrasset by fatigue, without money, dying of hunger, and afflicted with the dyseatery. The road from Santa Cruz is covered with unfortunate ones, who have exhausted their last resources, and are obliged to implore the pity and succor of inhabitants as poor as themselves. For some time we have had the pain to see Frenchmen begging their bread. You know that four or five Frenchmen established in the country cannot take exer of all the unfortunate ones who are returning from the interior. Nevertheless, a though without fortune, and burthened with families, each one has done all in his power to assist the needy; but it is a sad spectacle to see Frenchmen begging alms from home to house.

Mr. Calco, French Vice Consul at Guaymas, has done all that be could for our countrymen under

soil only produces Indian corn. The meat is of a bad quality, and dear. There are no vegetables, no trees, not a blade of grass. In the interior, one must be resigned to live on tectillas, pignol, and to drink stagnant water. If this picture will attract more Frenchmen, they will at least come with a knowledge of the cause.

We are awaiting the result of Mr. Rabusset's expedition. All wish him well, for he skilfully directs his company, composed now of about 250 men, thoroughly disciplined armed, and equipped. Two months more, and the Sonora problem will be completely and definitively solved. Fortune, or misery the most terrible, will be the fate of those composing the expedition.

the most terrible, will be the fale of those composing the expedition

Be assured that nothing in this recital is exaggerated, and believe this—that the most miserable placer in California is worth more, so far, than all sonors, where our countrymen have met with nothing but the most frightful misery. In this country one dies of hunger or sickness—sad alternative!

Be pleased, Mr. Editor, to insert this letter, in order that our countrymen may be at length disabused concerning the wealth of Sonora.

With the assurance of my most distinguished consideration,

Surgeon, and formerly Surgeon on board the Alphonso Nicolas Girard.

P S — I learn this moment, from two men of the second expedition, that out of sixty five men scarcely ten are in a condition to reach Guaymas. It seems to be a frightful disaster. The death of Mr. Trouin is announced as certain.

Northern Interference with Southern Property-The Southern View of the Lemmon Case.
TO THE EDITOR OF THE HERALD.

Sin-The enlarged liberality which opens your columns to the expression of all shades of opinion not detrimental to the public welfare, as well as your soundness on the Southern question, embolden a Southerner to state frankly, but briefly, the impression which the late slave case here will produce on the Southern mind.

Nobly and manfully have you done your part throughout this perilous controversy-wisely have you warned your people of the dangers that lurk under this last high-handed outrage; but there are points connected with this matter which it is neither your prevince nor your privilege fully to consider or comprehend. Allow a Southern man, who has made it his business to study the temper of the Southern people in reference to this question, to throw out a few suggestions which may startle the conservative portion of your citizens into a sense of perils only the more imminent because unseen and unsuspected by those who mistake "acquiescence" for contentment-silence for satisfaction.

There are many Southerners at present in this city, and, after free conference with many of them, it appears that but one sentiment animates all, in relation to the outrage on the comity of friendly communities perpetrated by your courts on a Southern citizen, and, through him, upon the entire class he represents. It is important, for the preservation of the public peace, and of fraternal feeling -not to speak of the permanence of the Union that the North should know what the South feels and thinks of this deliberate attempt to disfranchise her citizens in half of the national domain, even for purposes of temporary sejourn with their property. equals the people of the South entered this As equals the people of the South entered this confederacy—as equals alone can their descendants consent to continue in it. Neither honor nor safety would permit them to sink to the state of a tolerated class—enjoying privileges thy sufferance only—the Pariahs of the American Union. And it will be reduced to this, if they tamely tolerate such outrages that of which Mr. Parians of the American Union. And it will be reduced to this, if they tamely tolerate such outrages on person and property as that of which Mr. Lemmon has been made the victim. This incident has occurred at a most inauspicious moment, just at a period when confidence was becoming restored—when the scars of old strifes were healing over, and the era of good feeling was instaurated once more. The severity of the shock must be in propertion to the impatient bitterness of the disappointment. It would be equally idle and mischievous to disguise this fact from ourselves, for it cannot be ignored, even though attempts should be made to suppress its manifestations. The echo that will soon be sent back from the South will satisfy the most scoptical of this; and measures should promptly be taken by the conservative and honest portion of the Northern people and press, to mitigate this just and righteous anger. This is a question beyond the pacidication of mere partizen politicians, fruitful in small expedients. It is not a question of policy or expediency, but of life or death. Therefore the means must be proportioned to the end to be attained.

tained.
How stands the case? After the general acquiescence of the South in the compromise measures, the endorsement of those measures as a settures, the endorsement of those measures as a settlement by the two conventions, and the emphatic ratification of the democratic nominess
by a vast majority of the American people,
mainly on this issue of a cessation of agitation, it was hoped and believed by all,
(except a few "extremists,") that peace was
once more to be restored "to this distracted country," and the South permitted again undeturhed to
pursue the even tener of her way. Acting under
this conviction, the people of the South, with almest unexampled unanimity, have forgotten former
feuds and political jealousies, and come up en masse
to the support of those candidates and that party
which represented that idea. But those hopes have een most suddenly chilled—that confidence most been most suddenly chilled—that conditance most rudely shaken, by a gross and fiagrant outrage, perpetrated in the face of day in this great metropolis of the North, by a portion of your people, whose course has been sanctioned and sustained by your courts of law—not of justice. The half-insune threats and insults in presses like the Times and Tribune, emanating from men soured by disappointment, and smarting under a defeat aggregated by ment, and smarting under a defeat aggravated by the sense of impotence, the Southern people could afford to smile at and despise. Not so with the selemn adjudications of your legal authorities—the act of open outrage, not alone stripping the individual of his rights and his property, but imperilling those of all similarly circumstanced with himself, and involving a principle se wide in its application as it must prove pernicious in its practical operation. We scorn the argry hissing of the blind vipor, and scarcely deign to step aside to stamp our heal upon its head; but it would be madness to disregard it when coiled to strike, and danger and death jurk behind the warning. It is ours to look to self-preservation strike, and danger and death juck behind the warning. It is ours to look to self-preservation—
yours to great the crawling thing, or give an antidote to its peicon. We do not ask for protection;
all we demand is even handed justice. We claim
the observance, not alone of the articles of the late
compromises on the subject of slavery, but the recognition and enforcement of that earlier slipping cognition and enforcement of that earner supera-tion those more soleons guarantees given to our fathers in the compromises of the Constitution, one of the most vital of which was the recognition of our right to have and to hold our slave property.

our right to have and to hold our slave property, and erjoy its undisturbed personsion, wherever not alienated by our own act or free will. What a mockery the last compromise, in relation to the rendition of fugitives, must be regarded, if local statutes are to be allowed to regulate the rights of property of citizens of other sovereign States, and local usage to all-sufficient to strip a Southern man of all his property when he ventures to trust it for an hour on hee soil. The laws of Caligula were not greater traps for the unwary than such statutes as those under which Judge Faine permitted the abolitionists to on free soil. The laws of Caligula were not greater traps for the unwary than such statutes as those under which Judge Paine permitted the abolitionists to rob Mr. Lemmon of his property, under cover of law. For I will venture the assertion, that not ten of the ablest lawyers in this State were aware of the actual provisiors of the code, or weald countenance the construction which Judge Paine has put upon them. In a conflict of laws the rule of interpretation require that the higher of the two should prevall—the lesser yield to the greater; but here that principle has been reversed, and the "higher law," in its most offensive rense, has triumphed over all compromises, and all constitutional rights. Judge Paine, himself, has been placed in a painful position. He seems to be a man of strict narrow understanding, one of these mere lawyers described by Edmund Burke, whose acutoness assimilates to that of a pin's point and whose habits of training incapatists them from rising above precedents and formulas to grasp the great general principles which modify or abregate them. Like a smaller Guilliver in a layer Lilliput, he strugglee painfully in the bonds of the little threads that the bis legal hands against morality, equity, and justice, and his conscience and convictions are at conflict in the very decision which he admits to be an injurious, almost an unjust one. In these words:—

Not thinking my-self called upon to treat this case as a

which he admits to be an injurious, almost an unjust one. In these words:—

Not thinking myself called upon to treat this case as a cautht or legislator. I have endeavored simply to discharge my duty as a judge in interpreting and applying the laws as I find them. Did not the law seem to me so clear. I might feel greater regret that I have been obliged to dispose so hastily of a case involving such important consequences. My judgment is that the eight colored persons mentioned in the writ be discharged.

The subsequent proceedings furnish a sufficient consentary on the salve offered to Southern feeling, the proposition of appeal to the Supreme Conyt.

Mr. Caloo, French Vice Consul at Guaymas, has down all that be could for our countrymen und reflected these discumstances. But, having no relet faud from the government, he has had to set with reserve, for what he gives every day comes out of his own pecket.

Some days ago whip arrived with forty Frenchmen, but the news they received on their arrival was so bad, that they immediately decided on returning to San Francisco.

Guaymas effers no resources. Hermosillo and Ures are two cities even poorer than Guaymas. The

and allow a commel fee, which would be given to any fund reserved for he beards of these persons.

Judge Psyne said he would allow no costs. It it deposes the property of the property of the control feet of

sided in elevating to power, nor the mass of the party with which we have co operated. We know that Frankin Pierce and Wm R King are true as steel on all questions connected with the compremises of the constitution; but in this matter they are poweries. It does not fall within their jurisdiction. As Greeley tauntingly replied to your just felicitation, that the South had now an abiding guarantee that her rights would be respected by the general government, neither the President or Vico President 'have any power to overrule a jadgment of the courts of New York," nor to reach the root of this evil. It is, then, not to the Administration that we are to look, but to the people of the Northern States, the great huls of whom are plodged to us by the strongest of all possible pledges, express or implied. Without faith and moral honesty, what are promises or professions worth? And by works must that faith be judged. It is not necessary to go into a thorough examination of the grounds of Judge Paine's decision, which you have most properly characterised as "an abolitionist victory corrected by law, not governed by justice"—the law of which even is so palpably unsound as not to be worthy of argument. The very citations maid by Judge Paine show that, like Nosessity, (who seems his divinity.) "he knows no law;" for the very current of decisions he quotes tell against him, and his special pleading is of the pettiest kind. It is the misfortune of those known to the profession as "case hunters," not to be able to distinguish between an apparent precedent and a real ore, reiging on the similarity of facts, while purbling as to the principle. The whole gist of the case was comprised by Justice Grier in a single paragraph, delivered in relation to one of somewhat similar character, a few days since, in the United States District Court of Eastern Ponnsylvania, and he is not only a lawyer but a jurist also. Passing judgment on the question of the right of a slaveholder to convey bis property through a free State, Justice Grier thu feeble fallecies, and a chart, by which he might have streeted clear of these shouls of abolition which have attered clear of these shoals of abolition which threaten the ship of State. He might then have learned, that what New England refuses Old Eng-land does not deny; that Great Britain has made compensation for eleaves teken from American thips in her West India islands. He might also have refreshed his memory with the Creole case, and Mr. Webster's emphatic declarations to Lord Ashburton on this very point. For, says Mr. Webster, speaking of the precise quibble under which Judge Paine seeks shoiter.

Paine seeks shoiter,
It may be said that in such instances, personal relations are founded on contract, and therefore to be respected; but that the relation of master and slave is not founded in contract, and therefore it is to be respected only by the laws the place which it recognizes

He then sweeps away this cobweb thus:—

Wheever so reasons, encounters the authority of the whole body of public law from Grotius down, because there are numerous instances in which the law itself pre-umen or implies contracts, and prominent among those instances is the very relation which we are now considering, and which relation is bolden by law to draw after it mutuality of obligation.

So says Daviel Webster. Will any same man, North or South, weigh the opinion of Judge Paine, (as opaque obscurity up to Saturday last,) against that of Daniel Webster?

The counter of Lustice Gries is to the same effect. The opinion of Justice Grier is to the same effect.

The opinion of Justice Grier is to the same effect. He says:—
This question depends on the law of Maryland, and hot of Pennsylvania. The court cannot go beyond the statutes of the people where they escaped. Welknow of no law or decision of the courts of Maryland, which treats a slave as lib-rated who has been confucted by his master along the national road through the State of Pennsylvania.

A case precisely parallel, except the additional aggravation in the Lemmon case of boarding the vessel, and dragging master and slaves on the free soil, for the nominal redemption of the latter, and real ruin of both.

Well said the wise Scythian, centuries ago,
Laws are cobwebs which catch the flies, while the warps break through them."
These Northern cobwebs have proved strong enough to hold Lecomon and his eight slaves—poor harmless Southern flies; but such wasps as Elizar Wright and the Christiana murderers break through them with impunity!

But this three has gone for grouph, and a step.

Wright and the Christiana murderers break through them with impunity!

But this thing has gone far enough, and a stopmust be put to it. This last outrage strikes at the very foundation of our institutions, and at the unity of this people. If Southern men are to be treated as aliens in the Northern States, and the comity exacted for them by Northern statesmen in treating with foreign powers to be denied them North of Mason and Dixon's lace, we have indeed reached the crisis of this contest.

Again, then, carnes by we call on the true men of the North to stand up and show themselves—to vin-

Again, then, earnes ly we call on the true men of the North to stand up and show themselves—to vin-dicate our rights, and their own good faith, and not allow, through default or timidity, such stains as-this to stand on their escutcheon and ours. The writer of this feels he has the right, from his past and present connection with this matter, to throw out these suggestions, though personally there are few who have stronger inducements also to be

are few who have stronger inducements also to be sitent. But the man who sees the first blaze of a midnight coefficient, and gives no warning is criminal in the eight of man and God, if it finally wrap the city in flames Such is the feeling that prompts this communication from A Southern Citizen.

CLARENDON HOTEL, Nov. 16.